

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

GINA TORRES, ET AL.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:19-CV-1525
)	
CITY OF ST. LOUIS, ET AL.,)	
)	
Defendants.)	
)	

**DEFENDANTS’ MOTION TO FILE UNDER SEAL CERTAIN EXHIBITS TO THEIR
STATEMENT OF UNCONTROVERTED MATERIAL FACTS**

COME NOW Defendants Lance Coats, Glennon P. Frigerio, Joshua D. Becherer, Nicholas J. Manasco, Ronald Allen Jr., John C. Jones, Mark S. Seper, Jon B. Long, Tim Boyce and Benjamin Lacy (collectively referred to herein as the “Defendant Officers”) and the City of St. Louis (“City”), and pursuant to Local Rule 83 – 13.05, respectfully request that this Court grant Defendants leave to file Exhibits A, B-1, C, C-1, E, F, F-1, G, G-1, G-2, G-3, H, H-1, I, I-1, J, J-1, K, K-1, L, M, O, P, Q, R-1, S, and T under seal. In support, Defendants state as follows:

1. In this lawsuit, Plaintiffs Gina Torres and Dennis Torres allege that Defendants violated Plaintiffs’ civil rights on June 7, 2017 when the Defendant Officers used deadly force against Isaiah Hammett while executing a search warrant. This shooting was investigated by the City of St. Louis Police Department’s Force Investigative Unit, and the scene was documented by the department’s Evidence Technician Unit.
2. Defendants respectfully request that this Court permit them leave to file under seal Exhibit A because it is a confidential Department of Justice Bureau Firearms Trace Summary, and

further, because under Missouri law records of ownership of a firearm or applications for ownership are closed records under chapter 610. See RSMo. § 571.013.1.

3. Defendants further request that this Court permit them leave to file under seal Exhibit B-1 (Affidavit in Support of Search Warrant) because it contains sensitive law enforcement information, including police surveillance strategy and tactics, as well as information relayed to officers by confidential informant(s) and 911 callers. See RSMo. § 610.150. (911 calls are inaccessible to the general public).
4. Moreover, all officer-involved shootings involving City of St. Louis police officers are now submitted to the Circuit Attorney's Office ("CAO") for review, including the use of force incident at issue in this lawsuit. As of today's date, the City is not aware of the CAO having formally issued a decision as to whether criminal charges will be issued against the officers relating to the use of force on June 7, 2017. Due to the uncertainty of the status of the CAO's investigation and out of an abundance of caution, Defendants consider the CAO's review of the use of force that is the subject of this lawsuit an "open" investigation.
5. Because it is unclear as of the date of filing whether the review of the officers' use of force remains an "open" investigation by the CAO, Defendants respectfully request that the Court permit that Defendants file under seal the following exhibits accompanying their Statement of Uncontroverted Material Facts in Support of their Motion for Summary Judgment:
 - a. Exhibit C-1 (cell phone video recording depicting execution of the search warrant on June 7, 2017)
 - b. Exhibits C, D and L (affidavits authored by Defendant Officers concerning the shooting)

- c. Exhibits E, F, F-1, G, G-1, H, H-1, I, I-1, J, J-1, K, K-1 (transcripts of depositions of Defendant Officers and diagrams of Hammett's residence)
 - d. Exhibits G-2 and G-3 (photographs of Hammett)
 - e. Exhibit M (deposition transcript of ETU technician Jennifer Sommer)
 - f. Exhibit O (Affidavit of Julie Davis and excerpts from City Police Department laboratory file)
 - g. Exhibit Q (recorded statement of Dennis Torres to the City of St. Louis Force Investigative Unit)
 - h. Exhibit R-1 (photograph of Hammett)
 - i. Exhibit S and T (photographs of ballistics damage)
- 2. In addition, Exhibits E, F, G, H, I, J, and K, which are deposition transcripts of Defendant Officers, reveal strategies and tactics for executing high-risk search warrants that, if revealed, could endanger officers.
 - 3. Exhibits C, D and L are affidavits authored by Defendant Officers concerning the execution of the search warrant and the shooting of Hammett and similarly reveal information concerning the execution of high-risk search warrants.
 - 4. Exhibit M is a deposition of Jennifer Sommer, a former Evidence Technician, who documented ballistics evidence at the residence subsequent to the shooting. Her deposition transcript contains detailed information regarding her investigation of the ballistics evidence.
 - 5. Exhibit P is an affidavit of Detective Benjamin Lacy, the affiant for the search warrant for Hammett's residence. This exhibit likewise contains sensitive law enforcement information in that it reveals surveillance strategy and tactics.

6. Exhibits G-2, G-3 and R-1 should further be filed under seal because they are photographs of the decedent and are of a graphic nature.
7. This Motion for Leave to File Under Seal is made in good faith and will not prejudice the Plaintiffs.

WHEREFORE, good cause having been shown, Defendants respectfully request that this Court permit that Exhibits A, B-1, C, C-1, D, E, F, F-1, G, G-1, G-2, G-3, H, H-1, I, I-1, J, J-1, K, K-1, L, M, O, P, Q, R-1, S, and T to Defendants' Statement of Uncontroverted Material Facts be filed under seal.

Respectfully submitted,

JULIAN BUSH
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CERTIFICATE OF SERVICE

I hereby certify this Motion was electronically filed with the Court on this **13th day of March 2020** for service by means of Notice of Electronic Filing upon all attorneys of record.

/s/ Erin K. McGowan